

PROB 12B  
(7/93)

Report Date: November 1, 2007

**United States District Court**

**for the**

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**NOV 02 2007**

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Franky Lee Dean

Case Number: 2:01CR00016-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley

Date of Original Sentence: 07/06/2001

Type of Supervision: Supervised Release

Original Offense: Felon in Possession of Firearm,  
18 U.S.C. § 922(g)(1)

Date Supervision Commenced: 01/16/2005

Original Sentence: Prison - 1 Day; TSR - 36 Months

Date Supervision Expires: 01/15/2008

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 21 You shall reside in a residential reentry center until January 15, 2008. This placement may include a prerelease component, day reporting, and home confinement (with or without electronic monitoring, but not to include GPS) at the directions of the CCM and USPO. You shall abide by the rules and requirements of the facility. You shall remain at the facility until discharged by the Court.

**CAUSE**

On October 31, 2007, Franky Dean reported for urinalysis testing at New Horizon Care Counseling Services. When requested to display that he was not wearing a device to provide a false test, Mr. Dean ran away from the facility. On November 1, 2007, the undersigned officer collected a urine specimen from Mr. Dean which revealed initial positive findings for marijuana.

According to 18 U.S.C. § 3853(g)(3), revocation is required if the offender refuses to comply with drug testing as a condition of supervised release.

Mr. Dean has failed to secure employment for the past 11 months. Placement at a Residential Reentry Center (RRC) will assist him with employment and allow him to continue with substance abuse counseling. Additionally, he has agreed to said modification as evidenced by the attached signed waiver of hearing to modify conditions.

Prob 12B

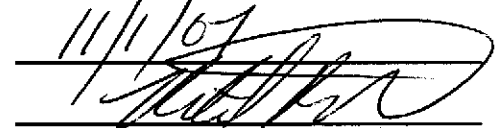
**Re: Dean, Franky Lee**

**November 1, 2007**

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

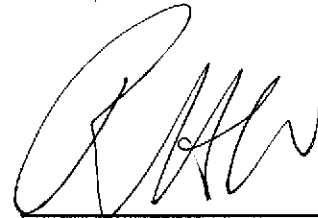
11/1/07  


Richard B. Law  
U.S. Probation Officer

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**THE COURT ORDERS**

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

NOV. 1, 2007

Date

# United States District Court

Eastern District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

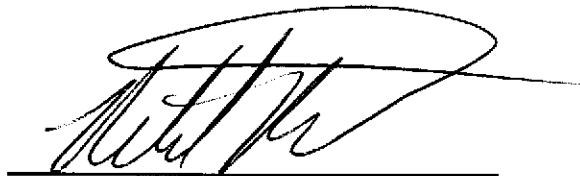
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

- 21 You shall reside in a residential reentry center until January 15, 2008. This placement may include a prerelease component, day reporting, and home confinement (with or without electronic monitoring, but not to include GPS) at the directions of the CCM and USPO. You shall abide by the rules and requirements of the facility. You shall remain at the facility until discharged by the Court.

Witness:



Richard B. Law  
U.S. Probation Officer

Signed:



Franky Lee Dean  
Probationer or Supervised Releasee

November 1, 2007

Date